

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

BARBARA WOODVINE,)
)
Plaintiff,)
)
v.) No. 2:16 CV 27 CDP
)
CULVER-STOCKTON COLLEGE,)
)
Defendant.)

MEMORANDUM AND ORDER

I have carefully reviewed defendant's motion for summary judgment and the materials and briefs submitted in support of each party's position and, viewing all facts and inferences in a light most favorable to plaintiff, I find defendant to have failed to meet its burden of proving that the work performed by plaintiff at the time of her injury was such that she must be considered defendant's statutory employee under Mo. Rev. Stat. § 287.040. Because it cannot be said that defendant has established its right to judgment with such clarity as to leave room for no controversy and that plaintiff is not entitled to prevail under any discernable circumstances, *Vette Co. v. Aetna Cas. & Sur. Co.*, 612 F.2d 1076, 1077 (8th Cir. 1980), I will deny defendant's motion.

Accordingly,

IT IS HEREBY ORDERED that defendant Culver-Stockton College's motion for summary judgment [24] is denied.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 11th day of April, 2017.